

MONTANA LEGISLATIVE HISTORY

Chapter 411 19 79

Bill H 380 S _____

Original bill & history ☒ c

H. Committee on Highways

Hearing Date(s) 2-1 ☒ c

2-13 ☒ c

_____ c

_____ c

Date Out _____ c

S. Committee on Highways

Hearing Date(s) 3-6 ☒ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

CHAPTER NO. 411

HOUSE BILL NO. 380

INTRODUCED BY KEMMIS

IN THE HOUSE

January 24, 1979	Introduced and referred to Committee on Highways and Transportation.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted
February 15, 1979	Printed and placed on members' desks.
February 16, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 20, 1979	Introduced and referred to Committee on Highways and Transportation.
March 7, 1979	Committee recommend bill be concurred in. Report adopted.
March 9, 1979	Motion pass consideration until fiscal note received.
March 14, 1979	Fiscal note requested.
March 20, 1979	Fiscal note returned.
March 21, 1979	Motion pass consideration.
March 22, 1979	Second reading, concurred in.
March 24, 1979	Third reading, concurred in.

IN THE HOUSE

March 26, 1979

Returned from second house.

Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 380
2 INTRODUCED BY Kammis
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
5 60-2-204, MCA, TO CLARIFY THAT THE STATE OF MONTANA IS
6 RESPONSIBLE FOR THE ENTIRE COST OF CONSTRUCTION AND
7 MAINTENANCE OF PUBLIC HIGHWAYS WHEN THE STATE ENTERS INTO AN
8 AGREEMENT WITH A LOCAL GOVERNING BODY TO MAINTAIN PORTIONS
9 OF THE PUBLIC HIGHWAY."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Section 60-2-204, MCA, is amended to read:
13 "60-2-204. Maintenance agreements with local
14 governments. The department may enter into an agreement with
15 a local governing body to maintain portions of public
16 highways within its boundaries upon such terms and
17 conditions as may be agreed upon, provided that:
18 (1) the department shall bear the entire cost of
19 maintenance, operation, and construction work performed by
20 the local governing body pursuant to these agreements; and
21 (2) the department is responsible for the entire cost
22 of placement and maintenance of all traffic control devices
23 and signals on state-controlled highway routes involved in
24 these agreements."

-End-

HB 380
INTRODUCED BILL

HIGHWAYS AND TRANSPORTATION
COMMITTEE

Page 3
46 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 53	Amends section 60-3-208, to permit increased expenditures of off-system road funds.	Jan. 22	Healy	Feb. 6	Be Concurred In	Feb. 6
HB 315	Directs the State Highway Commission to reclassify Federal-aid Secondary Route 278 as a Federal-aid Primary Route.	Jan. 23	Hand	Feb. 1	DO NOT PASS	Feb. 6
HB 326	Act to include one-way window pictures in the statute prohibiting the obstruction of a driver's view and to require unobstructed views from outside to within the vehicle, etc.	Jan. 23	Moore	Feb. 1	DO NOT PASS AS AMENDED	Feb. 13
HB 348	Provides that the Highway Patrol shall pay a salary benefit to officers injured in the performance of their duties, and reassignment	Jan. 24	Iverson	Feb. 1	Do Pass As Amended	Feb. 6
HB 380	State of Montana is responsible for the entire cost of construction and maintenance of public highways when the state enters into an agreement with a local governing body, etc.	Jan. 24	Kemmis	Feb. 1	DO PASS AS AMENDED	Feb. 13
HB 67	Returned to Committee	Jan. 26	Cooney		Strike amendments on 1/18 Standing Comm. Report	1-30

During questions from the committee, Rep. Moore said some of these transparencies or obstructions are wire screen meshes mounted with screws, some are decals, some windows have been replaced with opaque glass. Rep. Lien asked about the use of stock racks and fuel tanks which block the view. Rep. Moore assured him that this bill would not cover that type of thing as the pickup was made for that. Gun racks--not covered. Mr. Riggs suggested the Idaho approach in that it had several paragraphs on specific vehicles. Rep. Keyser suggested adding an amendment that would include the Idaho amendments.

HOUSE BILL 380 REPRESENTATIVE DAN KEMMIS, the chief sponsor, said this bill is to clarify the responsibility of the State Highway Department as far as maintaining traffic lights within city limits on state highways that pass through the cities. He said the reason for the bill is the State Highway Department has adopted the policy of telling the cities that they will install the traffic control devices if the city will maintain and operate them. If they don't agree, the department won't install the device. In Missoula, he said, this has happened a number of times and they feel it is unfair for the city to pay for something that is the department's responsibility.

DAN MIZNER, League of Cities and Towns, spoke in support of the bill.

TOM CROWLEY, representing the City of Missoula, spoke next in support and a copy of his testimony and copies of correspondence with the State Highway Department is exhibit 3 and part of the minutes.

JIM NUGENT, City Attorney for the City of Missoula, spoke next in support and a copy of his testimony is exhibit 4 and part of the minutes.

Handing in written testimony was Doyle Williams, City of Great Falls, and a copy of this is exhibit 5 and part of the minutes.

JAMES R. BECK, Department of Highways, said they have no quarrel with the basic concept of the bill. He said they had come to the legislature to try to ameliorate the problem but he didn't think this bill would do it. He said he would like to work with Rep. Kemmis and the others. He felt this bill was unclear as to motor control devices, exactly which streets would be affected, etc. He also said they would need additional funding if they were to do for all cities what this bill is asking them to do. He said as a point of information that this thing came about in the old days when it was fairly easy and inexpensive for the city to maintain the lights--they were there and could get it done quickly.

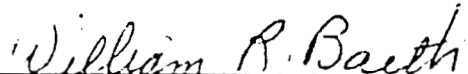
Rep. Kemmis in his closing speech said he would be glad to work with Mr. Beck. He felt the bill was clear.

During questions from the committee, Rep. Fabrega asked what the cost would be. Mr. Beck said they didn't have any history. Mr. Hahn said a guess would be \$200,000 statewide. Mr. Crowley said Missoula has a good handle on what the cost would be. He said the law identifies state highways and the Highway Department should know the exact routes of these state highways, and the exact definition of a traffic control device is also given.

Chairman Baeth said this bill will be put into a subcommittee and he would like to have them meet with the sponsor and others. The subcommittee will be composed of Representatives Magone, Uhde and Meyer.

Meeting adjourned at 2:10 p.m.

Respectfully submitted,


WILLIAM R. BAETH, Chairman

Emelia Satre, Sec.

EXECUTIVE SESSION

HOUSE BILL 544 Rep. Tropila moved do pass. It was decided to wait on further action on this bill.

HOUSE BILL 326 The amendments were passed out (exhibit 1 of minutes). Rep. Keyser moved amendment number 1 be adopted. Motion carried unanimously with those present--Rep. Fabrega, absent. Rep. Keyser moved amendment number 2 and it, too, was adopted unanimously. He moved amendment number 3 and it was adopted unanimously; likewise with amendments number 4 and number 5. Rep. Keyser moved the bill as amended do pass. Rep. Lien said the amendments help but he still doesn't like the bill. He said we can't sit and mandate that somebody can't cover up their rear windows. Rep. Kanduch questioned how this would affect curtained windows--answer was it would be illegal. Rep. Cooney said he agreed with Rep. Lien that we could be causing some real trouble with this bill. Mr. Tooley responded to a question that it is a requirement of the law that there be an outside mirror, but it does not specify two. He said this bill broadens that a little bit. The question was called and a roll call vote taken. The motion failed with 9 voting no and 6 yes (Ernst, Feda, Keyser, Kropp, Meyer, Wood) and Rep. Fabrega absent. Rep. Uhde then moved the bill do not pass as amended. Rep. Tropila moved the vote be reversed. Motion carried. House Bill 544 receives a committee recommendation of do not pass as amended.

HOUSE BILL 380 Rep. Magone, chairman of the subcommittee on this bill, discussed the amendments the subcommittee had prepared, exhibit 2 of the minutes. Rep. Magone moved the adoption of the amendments. This motion carried unanimously. Rep. Magone moved that HB 380 do pass as amended. Motion carried with Rep. Meyer having left a request to vote for the bill (he had left); voting no were Reps. Frates and Keyser and absent was Rep. Fabrega.

HOUSE BILL 544 Chairman Baeth asked the committee to continue their consideration of this bill. Question was called on Rep. Tropila's former motion of do pass. The motion carried unanimously with those present (Reps. Fabrega and Meyer absent).

Chairman Baeth said he had been requested to sponsor a committee bill. He said the request came from an employee at a weight station. The employee wished since he needed to wear a uniform to be permitted to carry a gun. The request had been turned down by the Attorney General. The request was to change the law by means of a committee bill. Rep. Lien mentioned the workers at the weight station do have access to the patrol by radio. Rep. Cooney asked what is the reason for wanting the gun. Chairman Baeth said he understood they have to take gun training but are not allowed to carry a gun. Rep. Keyser said if someone fails to stop at a weight station they call the highway patrol. After further discussion it was decided not to do anything about this.

Meeting adjourned at 1:20 p.m.

William R. Baeth
Respectfully submitted,

WILLIAM R. BAETH, Chairman

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

BILL NUMBER	DATE RECEIVED	TITLE	SPONSOR	HEARING	ACTION
HB380	2-20-79	An act amending section 60-2-204, MCA, to clarify that the State of Montana is responsible for the entire cost of construction and maintenance of public highways when the state enters into an agreement with a local governing body to maintain portions of the public highway.	KEMMIS	3-6-79	BE CONCURRED IN 3-6-79
HB404	2-22-79	An act to amend section 7-14-2201, MCA, providing that counties are required to maintain only public bridges located in towns or cities or on maintained county roads.	SALES	3-6-79	BE CONCURRED IN 3-6-79
HB432	2-8-79	An act to extend the arrest powers of Highway Patrolmen to offenses occurring on highway rest areas and other state highway properties; amending section 44-1-1003.	MENAHAN (Healy)	3-3-79	BE CONCURRED IN 3-3-79
HB493	2-14-79	An act to amend section 61-4-101 to provide a grace period for motor vehicle dealer license renewal.	COONEY (Graham)	Tuesday 2-27-79	BE CONCURRED IN 2-27-79
HB495	2-12-79	An act to provide for recycling of used or outdated license plates.	COONEY (Etchart)	Tuesday 2-27-79	BE CON- CURRED IN 2-27-79

MINUTES OF THE MEETING
Highways and Transportation Committee
Montana State Senate

March 6, 1979

The Twenty-first meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart in Room 410 of the State Capitol Building at 1:00 P.M. on March 6, 1979.

ROLL CALL: All Committee members were present.

CONSIDERATION OF HOUSE BILL 380: House Bill 380 is an act to clarify that the State of Montana is responsible for the entire cost of construction and maintenance of public highways when the state enters into an agreement with a local governing body to maintain portions of the public highway.

Representative Daniel Kemmis, District 94, Missoula, chief sponsor of House Bill 380, said this bill is an effort to clarify the responsibility of the State Highway Department for maintaining state highways within city limits. In 1965, the Legislature passed statutes, 60-2-210, which provides that all state highways within city limits shall be constructed and maintained by the State Highway Department. It says:

"Payment of construction and maintenance costs within municipalities. (1) Except as provided in subsection (2) of this section, the department of highways shall pay the entire costs of construction and maintenance of streets and highways which:

- (a) are state highway routes; and
- (b) are within municipalities incorporated prior to January 1, 1965.

(2) An incorporated municipality shall pay one-half of the state's share of the cost of curbs and gutters along those streets and highways."

In 1977 the Legislature passed another bill, which set up the state maintenance system 60-2-105. Another part of that bill 60-2-203 said the state is responsible for all highways as of July 1, 1976. It went on to say in the section that we are amending, Section 60-2-204, and he read from the codes:

"60-2-204. Maintenance agreements with local governments. The department may enter into an agreement with a local governing body to maintain portions of public highways within its boundaries upon such terms and conditions as may be agreed upon."

Representative Kemmis stated it seems clear that a portion of the section was to allow cities and the state highway department to decide that the cities could do part of the work or all of the work and the state highway department would then reimburse them. They could enter into an agreement. There has been some misunderstanding of the meaning of Section 60-2-204.

In some cases, the state highway department has attempted to establish a policy in regard to traffic control devices, that the department will put up a traffic control device, if, the city agrees to maintain and operate it. The purpose of this bill is make sure the state maintains the traffic control devices.

Chairman Etchart asked if there were any other proponents.

Jim Nugent, Missoula City Attorney, handed out Exhibit "A" to the committee. He went on to tell the committee that Section 60-2-210(1), M.C.A., 1979 expressly requires that "the department of highways shall pay the entire costs of construction and maintenance of streets and highways which are state highway routes" within incorporated municipalities. Maintenance is defined in Section 60-1-103(20), M.C.A., 1979. The department of highways for the State of Montana has ignored these provisions of law and developed a so called "departmental policy" whereby a city is required to sign a written agreement indicating that they will absorb the maintenance costs which the State is required to pay in order for the city to obtain the traffic control project. This proposal is always presented by the department of highways as a take it or leave it basis. If the city objects to the agreement provisions concerning maintenance costs the highway department threatens to withdraw the project. House Bill 380 amends section 60-2-204, M.C.A., 1979 pertaining to maintenance agreements with local government so that it clarifies the department of highways responsibilities with respect to these maintenance agreements. House Bill 380 adds nothing to the law, but merely clarifies the law. I urge you support House Bill 380.

He went on to say the Department of Highways has for years adhered to a "departmental policy" that if a city wants a traffic-control device such as a traffic-control signal installed on a state highway route within a municipality, the City must agree to pay the maintenance costs of the traffic-control signal before the highway department will install it. Another example of an application of the department of highways "departmental policy" is a project wherein it is proposed that a state highway route be widened from two lanes to four lanes. Before the department of highways will install the particular project they require the City to agree to maintain the traffic-control devices within their right-of-way at intersections entering the project area. This "departmental policy" appears to be directly in conflict with the above-mentioned provisions of state law.

The 1977 Legislature enacted Section 60-2-204, M.C.A., 1979, pertaining to maintenance agreements with local government. HB 380 is intended to amend Section 60-2-204, M.C.A., 1979, in order to clarify this law so that it is consistent with and clearly reflects the Department of Highways' responsibilities as established by 60-2-210(1) and 60-1-103 (20), supra. The City of Missoula urges your enactment of HB 380.

Chairman Etchart asked if there were any other proponents.

Tom Crowley, City Engineer, Missoula, Montana told the committee he supported the proposed legislation and gave the following comments:

The Cities and the Highway Department are at an impasse regarding financing maintenance of traffic control devices on State Highway Department routes. (He gave the committee Exhibit "B", with attached correspondence to view at a later time.) The attached correspondence on Exhibit "B" from the Highway Department recommends initiating legislation to finance the cost.

As general information, it costs approximately \$1,000 per year to pay for the operation and maintenance of a traffic signal. Attached correspondence indicates that the cost to the City of Missoula to maintain traffic signals in 1976 was approximately \$22,000. A rough estimate of both signal and sign maintenance in 1979 is from \$30,000 to \$50,000 per year, and more signals are being added each year.

Current State laws state that the Highway Department shall pay for operation and maintenance. But, due to budget restrictions the Highway Department has adopted a policy that Cities shall pay for this maintenance, if they desire new or reconstructed signal systems. Outside the City limits the Highway Department pays for the maintenance.

The question also arises as to the definition of maintenance. (1). Who pays, if uninsured motorist hits a signal and does substantial damage? (2). How can the electronic loops in the pavement be maintained if the pavement settles and makes the loop inoperative? The Highway Department is supposed to maintain the pavement surface.

The City's insurance carrier is concerned over the City's liability to maintain traffic signals. Our premiums are extremely high.

I support the highway department's position that the City is in a better position to maintain the signals because of quick response and located close to the problem. I also support the need for needed financing. It is not the City's fault that the Highway Department does not have adequate budgeting. I am going on record to indicate that the City cannot absorb the maintenance cost.

I respectfully request that this issue be reviewed and the inequity be removed that the City can receive a signal or other highway project, only if the City agrees to pay for the maintenance. Realizing that funding by the Highway Department is a problem, I would support an appropriation measure such as a gas tax maintenance bill, or as a separate measure, or as an amendment to this piece of legislation. He also introduced Exhibit "C", for the information of the committee.

Chairman Etchart asked if there were any other proponents.

Jim Jensen, Riverfront Neighborhood Association, Missoula Montana said their association endorses this bill. They feel life threatening situations are going unremedied throughout the State of Montana. The Association hopes the committee will support this bill.

Chairman Etchart asked if there were any other proponents. There were none. He asked if there were any opponents.

Jim Beck, Department of Highways, introduced Exhibit "D". He told the committee the department neither supports or opposes this bill. The \$1,000 figure to maintain the traffic control devices is correct. You can imagine the cost to the State of Montana if this bill passes. We are amending a budget to take care of this, should it pass. The department is willing to accept duty and responsibility to maintain electric signals, but do not think we should maintain every stop sign. We could support this bill with the following changes:

1. Strike Line 25, page 1
 2. Strike Line 1, page 2
- Insert the following language after the word "devices" on Line 25 of Page 1: "on state maintained highway routes except those regulatory signs located on streets and alleys which intersect state maintained highway routes."

Chairman Etchart asked if there were any other opponents. There were none. He asked if the committee had questions.

Senator Graham asked for further explanation of the "agreements".

Representative Kemmis said the highway department has the responsibility to maintain and operate. The agreements that are mentioned here are simply agreements whereby the state asks the city's to maintain and the state will reimburse them later. The question of who is going to pay for it is not negotiable under the existing law.

Senator Graham inquired about city's who decide they want more traffic lights.

Representative Kemmis told him the municipalities cannot force the state to put in traffic control devices. If the state does not want to do it, it will not be done. He told the committee the existing statute makes the highway department responsible. At present, this could be enforced in court. This bill is to make clear what responsibility they would have. He stated he would not accept the amendment as it is.

There being no further questions, the hearing was closed on House Bill 380

ACTION ON HOUSE BILL 67: Since Senator Hager had to leave the meeting early, action on House Bill 67 was postponed. Senator Hager had requested that this bill be held until he could investigate it further.

ACTION ON HOUSE BILL 513: Senator Etchart told the committee he had had a question on the bonding. He had talked with Representative Vincent and was assured that overall state bonding would take care of it.

Senator Healy made the motion that House Bill 513 be concurred in. The committee voted unanimously that House Bill 513 Be Concurred In. The motion carried. Senator Healy will carry the bill on the floor of the Senate.

ACTION ON HOUSE BILL 544: Shaun Simon, Legislative Council reported to the committee she had spoke with a few people on this legislation. I talked with Larry Majerus to find out under what conditions you get your license revoked. I found out that after you get three DWI's, you get your license revoked for one year. After you are a habitual offender, you get your license revoked for three years. I tried to find court cases to find out how many people who get their licenses revoked and then get admitted into the program. Since the cases are not recorded, this was not possible. Today, I spoke with Judge Langen. He seems to follow the law strickly. He simply does not give the license back until they serve their time. If they join a program, such as the one in Glasgow, and complete it, he will then hold another court action, and they may get a restricted license. As far as he is concerned the law is fine as it is now. He is happy with the way the law stands at the present time. He seems to think the JP's get some of these cases. The Legislation is not necessary for him. So, the outcome of this depends on the committee's feelings and philosophy.

Senatory Hazelbaker made the motion that House Bill 544 Be Concurred In. The committee voted unanimously that House Bill 544 Be Concurred In. The Motion carried. Senator Hazelbaker will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 380: The committee asked some further questions of Tom Crowley, from Missoula. Mr. Crowley told the committee, if the bill passes as amended, it would and could cost a lot of money to the cities and municipalities.

Senator Healy told the committee he is opposed to the amendments. He stated the amendments are rediculous and would cost a lot of money.

Senator Kolstad made the motion that House Bill 380 Be Concurred In. The committee voted unanimously that House Bill 380 Be Concurred In. The motion carried. Senator Kolstad will carry this bill on the floor of the Senate.

3-6-79

Видно

[illegible]

ROLL CALL

Highways

COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	Late ✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓		
Carroll A. Graham	✓		
Dave Manning			
John E. Healy (Jack)	✓		

Each Day Attach to Minutes.

NAME: Tom Crowley DATE: March 6, 1979

ADDRESS: 201 West Spruce Street

PHONE: 721-4700 ext 221

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: HB 380

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Testimony is Attached

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Frank M. Jones

DATE:

June 1965

ADDRESS:

1234 Main St.

PHONE:

HW 3-8767

REPRESENTING WHOM?

Monte Carlo & Casino

APPEARING ON WHICH PROPOSAL:

NB 380

DO YOU:

SUPPORT?

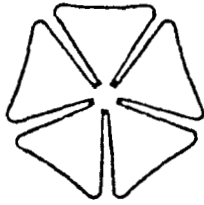
X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



THE GARDEN CITY
HUB OF FIVE VALLEYS

"A"
Missoula, Montana 59801

January 31, 1979

Office of City Attorney
201 W. Spruce St.
Phone ~~238-2112~~
721-4700

Dear Legislators:

Section 60-2-210(1), M.C.A., 1979, expressly provides that "the department of highways shall pay the entire costs of construction and maintenance of streets and highways which:

"(a) are state highway routes; and

(b) are within municipalities incorporated prior to January 1, 1965."

Maintenance is defined in Section 60-1-103(20), M.C.A., 1979, as follows:

" 'Maintenance' - preservation of the entire highway, including surface shoulders, road-sides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization."

The Department of Highways has for years adhered to a "departmental policy" that if a city wants a traffic-control device such as a traffic-control signal installed on a state highway route within a municipality, the City must agree to pay the maintenance costs of the traffic-control signal before the Highway Department will install it. Another example of an application of the Department of Highways "departmental policy" is a project wherein it is proposed that a state highway route be widened from two lanes to four lanes. Before the Department of Highways will install the particular project they require the City to agree to maintain the traffic-control devices within their right-of-way at intersections entering the project area. This "departmental policy" appears to be directly in conflict with the above-mentioned provisions of state law.

The 1977 Legislature enacted Section 60-2-204, M.C.A., 1979, pertaining to maintenance agreements with local government. HB 380 is intended to amend Section 60-2-204, M.C.A., 1979, in order to clarify this law so that it is consistent with and clearly reflects the Department of Highways' responsibilities as established by . 60-2-210(1) and 60-1-103(20), supra. The City of Missoula urges your enactment of HB 380.

Yours truly,

Jim Nugent
Jim Nugent
City Attorney

JN/jd

TESTIMONY FROM TOM CROWLEY, CITY ENGINEER, MISSOULA, MONTANA:

1. I support the proposed legislation.
2. The following comments are offered in support of the proposed legislation:
 - a. The Cities and the Highway Department are at an impasse regarding financing maintenance of traffic control devices on State Highway Department routes. Attached correspondence from the Highway Department recommends initiating legislation to finance the cost.
 - b. As general information, it costs approximately \$1000 per year to pay for the operation and maintenance of a traffic signal. Attached correspondence indicates that the cost to the City of Missoula to maintain traffic signals in 1976 was approximately \$22,000. A rough estimate of both signal and sign maintenance in 1979 is from \$30,000 to \$50,000 per year, and more signals are being added each year.
 - c. Current State laws state that the Highway Department shall pay for operation and maintenance. But, due to budget restrictions the Highway Department has adopted a policy that Cities shall pay for this maintenance, if they desire new or reconstructed signal systems. Outside the City limits the Highway Department pays for the maintenance.
 - d. Question also arises as to the definition of maintenance.
 1. Who pays, if uninsured motorist hits a signal and does substantial damage?

1104

STATE OF MONTANA
DEPARTMENT OF HIGHWAY

Missoula, Montana
March 2, 1979

Projects M-8107(1),
M-8114(1), M-8107(5),
BWD-1899(5), & F 7-2
in Missoula

Mr. Thomas N. Crowley
City Engineer/Director of Public Works
201 W. Spruce
Missoula, Montana 59801

Dear Mr. Crowley:

We are attaching Memorandums of Understanding for various projects in the City of Missoula. Please have each memorandum completed, signed, and attested to at your earliest convenience.

If you have any questions or require additional information please call.

Very truly yours,

Ben C. Miller
BEN C. MILLER, SUPERVISOR
DIVISION CONSTRUCTION SECTION

BCM: WSS: cdj

cc: Division File

Proposed Amendments

To H.B. 380

Jim Beck "D"

1. Strike L. 25 p. 1

2. strike L. 1 p. 2

Insert the following language after the word "devices" on L. 25 on p. 1.

"on state maintained highway routes
except for regulatory signs located
on streets and alleys which intersect
state maintained highway routes."

SENATE COMMITTEE Highways & Transportation

Date 3-6-79 House Bill No. 38 Time

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol L. Davis
Secretary

Mark Etchart
Chairman

Motion: By Consensus

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 6 1979

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 330

Kennis (Kolstad)

Respectfully report as follows: That House Bill No. 330

DO PASS
BE CONCURRED IN

HOUSE BILL NO. 380
INTRODUCED BY KEMMIS

1 ~~these agreements REQUIRED BY 61-8-203.~~"

-End-

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
60-2-204, MCA, TO CLARIFY THAT THE STATE OF MONTANA IS
RESPONSIBLE FOR THE ENTIRE COST OF CONSTRUCTION AND
MAINTENANCE OF PUBLIC HIGHWAYS WHEN THE STATE ENTERS INTO AN
AGREEMENT WITH A LOCAL GOVERNING BODY TO MAINTAIN PORTIONS
OF THE PUBLIC HIGHWAY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 60-2-204, MCA, is amended to read:

"60-2-204. Maintenance agreements with local
governments. The department may enter into an agreement with
a local governing body to maintain portions of public
highways within its boundaries upon such terms and
conditions as may be agreed upon, provided that, IN THE
CASE OF HIGHWAYS IN THE STATE MAINTENANCE SYSTEM AS DEFINED
IN 60-2-105 AND 60-2-203:

(1) the department shall bear the entire cost of
maintenance, operation, and construction work performed by
the local governing body pursuant to these agreements; and

(2) the department is responsible for the entire cost
of placement and maintenance of all traffic control devices
and--signals--on--state--controlled--highway--routes involved in

STATE OF MONTANA

REQUEST NO. 477-79

FISCAL NOTE

Form BD-15

compliance with a written request received March 19, 19 79, there is hereby submitted a Fiscal Note
House Bill 380 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

Description of Proposed Legislation:

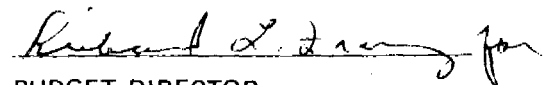
House Bill 380 designates that the Department of Highways bear the entire cost of
maintenance, operation, and construction of all traffic control devices in the state
maintenance system.

Assumptions:

1. No increase in personnel required.
2. Cities will do the work on accounts receivable basis for replacement of signs
on state maintained system through cities.
3. Street name signs, parking regulation signs & cities' points of interest signs
will remain the responsibility of the city.
4. All regulatory & warning signs will be eligible for reimbursement.
5. Estimate 66 signs per mile with 195 miles on State Maintained System equals
12,870 signs to maintain.
6. Consider post replacement @ 3%=386 per year.
7. Consider sign replacement on average life expectancy of 7 years or 15%=1920 per year.
8. 220 Traffic Signals on State Maintained System.

	<u>FY '80</u>	<u>FY '81</u>
Fiscal Impact		
Proposed Law - Operating Expenses		
Maintenance of Signs	\$105,800	\$105,800
Maintenance of Traffic Signals	<u>220,000</u>	<u>220,000</u>
Total	325,800	325,800
10% inflation	<u>-0-</u>	<u>32,580</u>
	<u>\$325,800</u>	<u>\$358,380</u>

The additional cost must be funded from the Highways Earmarked Revenue Account (\$220,000 per year
for the maintenance of traffic signals is provided in the Executive Budget).


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 3/19/79